

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUL 25 2007

REBECCA CESSOR,

Plaintiff,

vs.

CAVALRY PORTFOLIO SERVICES, LLC,

Defendant.

JAMES W. McCORMACK, CLERK

By: BK Johnson DEP CLERK

Civil Action No. 5:07-CV-0191 JLH

This case assigned to District Judge Helmes
and to Magistrate Judge Jones

COMPLAINT

NOW COMES the Plaintiff, REBECCA CESSOR, by and through her attorneys, LARRY P. SMITH & ASSOCIATES, LTD., complaining against the Defendant, CAVALRY PORTFOLIO SERVICES, LLC, and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the "FDCPA"), 15 U.S.C. § 1692 et seq.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

PARTIES

3. Plaintiff, Rebecca Cessor ("Plaintiff"), is an individual who was at all relevant times residing in the Town of Lake Village, State of Arkansas.

4. At all relevant times herein, Defendant, Cavalry Portfolio Services, LLC, ("Defendant") acted as a debt collector within the meaning of 15 U.S.C. § 1692a(6) in that it held itself out to be a company collecting a debt allegedly owed to AT&T.

5. Defendant is a corporation that has its principal place of business and its offices located in the State of Arizona.

ALLEGATIONS

COUNT I
VIOLATIONS OF THE FDCPA v. CAVALRY PORTFOLIO SERVICES, LLC

6. On April 23, 2007, Plaintiff began receiving telephone calls from a representative of the Defendant attempting to collect a debt allegedly owed to AT&T. Defendant placed four telephone calls to Plaintiff's home on this day.

7. In response to the initial communication on April 23, 2007, Plaintiff sent a cease and desist letter to Defendant demanding it verify the alleged debt and cease all oral communication with Plaintiff.

8. On April 26, 2007, Plaintiff received two additional calls; on April 30, 2007, Defendant placed four telephone calls to Plaintiff's residence; and telephone calls continued regularly during May.

9. On May 7, 2007, Plaintiff received a debt collection letter from Defendant attempting to collect the alleged debt and Plaintiff immediately contacted Defendant to notify it she had sent a cease and desist letter and that the account was fraudulent.

10. In said conversation, Defendant acknowledged receipt of the cease and desist letter from Plaintiff and stated that she had fifteen days to make payment in full before Defendant was forced to take action.

11. In its attempts to collect the aforementioned debt, the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 in one or more of the following ways:

- a. Continued to contact the consumer after being notified in writing that the consumer wishes the debt collector to cease further communication in violation of 15 U.S.C. § 1692c(c);
- b. Caused a telephone to ring or engaged any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number in violation of 15 U.S.C. § 1692d(5);
- c. Falsely represented the character, amount or legal status of any debt in violation of 15 U.S.C. § 1692e(2)(A); and
- d. Used false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. § 1692e(10).

12. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, REBECCA CESSOR, by and through her attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for Plaintiff;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

*****PLAINTIFF REQUESTS A TRIAL BY JURY*****

Respectfully Submitted,
REBECCA CESSOR

By: 

Larry P. Smith
Attorney for Plaintiff

LARRY P. SMITH & ASSOCIATES, LTD.

Attorneys for Plaintiff

205 North Michigan Avenue

40TH Floor

Chicago, Illinois 60601

Ph (312) 222-9028

Fax (312) 602-3911